

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 2616**  
**OFFERED BY MR. RIGGS**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Charter Schools  
3 Amendments Act of 1997”.

**4 SEC 2. INNOVATIVE CHARTER SCHOOLS.**

5       (a) Title VI of the Elementary and Secondary Edu-  
6 cation Act of 1965 (20 U.S.C. 7301 et seq.) is amended—

7           (1) in section 6201(a)—

8               (A) in paragraph (1)(C), by striking “and”  
9               after the semicolon;

10            (B) by redesignating paragraph (2) as  
11            paragraph (3); and

12            (C) by inserting after paragraph (1) the  
13            following:

14               “(2) support for planning, designing, and initial  
15            implementation of charter schools as described in  
16            part C of title X; and”; and

17            (2) in section 6301(b)—

18               (A) in paragraph (7), by striking “and”  
19               after the semicolon;

1 (B) by redesignating paragraph (8) as  
2 paragraph (9); and

3 (C) by inserting after paragraph (7) the  
4 following:

5 “(8) planning, designing, and initial implemen-  
6 tation of charter schools as described in part C of  
7 title X; and”.

8 **SEC. 3. CHARTER SCHOOLS.**

9 Part C of title X of the Elementary and Secondary  
10 Education Act of 1965 is amended to read as follows:

11 **“PART C—PUBLIC CHARTER SCHOOLS**

12 **“SEC. 10301. FINDINGS AND PURPOSE.**

13 “(a) FINDINGS.—The Congress finds that—

14 “(1) enhancement of parent and student choices  
15 among public schools can assist in promoting com-  
16 prehensive educational reform and give more stu-  
17 dents the opportunity to learn to challenging State  
18 content standards and challenging State student  
19 performance standards, if sufficiently diverse and  
20 high-quality choices, and genuine opportunities to  
21 take advantage of such choices, are available to all  
22 students;

23 “(2) useful examples of such choices can come  
24 from States and communities that experiment with  
25 methods of offering teachers and other educators,

1 parents, and other members of the public the oppor-  
2 tunity to design and implement new public schools  
3 and to transform existing public schools;

4 “(3) charter schools are a mechanism for test-  
5 ing a variety of educational approaches and should,  
6 therefore, be exempted from restrictive rules and  
7 regulations if the leadership of such schools commits  
8 to attaining specific and ambitious educational re-  
9 sults for educationally disadvantaged students con-  
10 sistent with challenging State content standards and  
11 challenging State student performance standards for  
12 all students;

13 “(4) charter schools, as such schools have been  
14 implemented in a few States, can embody the nec-  
15 essary mixture of enhanced choice, exemption from  
16 restrictive regulations, and a focus on learning  
17 gains;

18 “(5) charter schools, including charter schools  
19 that are schools-within-schools, can help reduce  
20 school size, which can have a significant effect on  
21 student achievement;

22 “(6) the Federal Government should test, evalu-  
23 ate, and disseminate information on a variety of  
24 charter school models in order to help demonstrate

1 the benefits of this promising educational reform;  
2 and

3 “(7) there is a strong documented need for  
4 cash-flow assistance to charter schools that are  
5 starting up, because State and local operating reve-  
6 nue streams are not immediately available.

7 “(b) PURPOSES.—The purposes of this part are—

8 “(1) to provide financial assistance for the plan-  
9 ning, design, initial implementation of charter  
10 schools; and

11 “(2) to facilitate the ability of States and local-  
12 ities to increase the number of charter schools in the  
13 Nation to not less than 3,000 by the year 2000.

14 **“SEC. 10302. PROGRAM AUTHORIZED.**

15 “(a) IN GENERAL.—The Secretary may award grants  
16 to State educational agencies having applications approved  
17 pursuant to section 10303 to enable such agencies to con-  
18 duct a charter school grant program in accordance with  
19 this part.

20 “(b) SPECIAL RULE.—If a State educational agency  
21 elects not to participate in the program authorized by this  
22 part or does not have an application approved under sec-  
23 tion 10303, the Secretary may award a grant to an eligible  
24 applicant that serves such State and has an application  
25 approved pursuant to section 10303.

1       “(c) PROGRAM PERIODS.—

2               “(1) GRANTS TO STATES.—

3                       “(A) BASIC GRANTS.—Grants awarded to  
4                       State educational agencies under this part for  
5                       planning, design, or initial implementation of  
6                       charter schools, shall be awarded for a period of  
7                       not more than 5 years.

8                       “(B) EXTENSION.—Any eligible applicant  
9                       that has received a grant or subgrant under  
10                      this part prior to October 1, 1997, shall be eli-  
11                      gible to receive an additional grant for a period  
12                      not to exceed 2 years in accordance with this  
13                      section.

14       “(2) GRANTS TO ELIGIBLE APPLICANTS.—

15                      “(A) BASIC GRANTS.—Grants awarded by  
16                      the Secretary to eligible applicants or subgrants  
17                      awarded by State educational agencies to eligi-  
18                      ble applicants under this part shall be awarded  
19                      for planning, design, or initial implementation  
20                      of charter schools, for a period not to exceed  
21                      more than 5 years, of which the eligible appli-  
22                      cant may use—

23                               “(i) not more than 30 months for  
24                               planning and program design; and

1                   “(ii) not more than 4 years for the  
2                   initial implementation of a charter school.

3                   “(B) EXTENSION.—Any eligible applicant  
4                   that has received a grant or subgrant under  
5                   this part prior to October 1, 1997, shall be eli-  
6                   gible to receive an additional grant for a period  
7                   not to exceed 2 years in accordance with this  
8                   section.

9                   “(d) LIMITATION.—Except as otherwise provided  
10                  under subsection (c), the Secretary shall not award more  
11                  than one grant and State educational agencies shall not  
12                  award more than one subgrant under this part to support  
13                  a particular charter school.

14                  “(e) PRIORITY AND REQUIREMENTS.—

15                   “(1) PRIORITY.—

16                   “(A) FISCAL YEARS 1998, 1999, AND 2000.—  
17                   In awarding grants under this part for any of  
18                   the fiscal years 1998, 1999, and 2000 from  
19                   funds appropriated under section 10310 that  
20                   are in excess of \$51,000,000 for the fiscal year,  
21                   the Secretary shall give priority to State edu-  
22                   cational agencies in accordance with subpara-  
23                   graph (C).

24                   “(B) SUCCEEDING FISCAL YEARS.—In  
25                   awarding grants under this part for fiscal year

1           2001 or any succeeding fiscal year from any  
2           funds appropriated under section 10310, the  
3           Secretary shall consider the number of charter  
4           schools in each State and shall give priority to  
5           State educational agencies in accordance with  
6           subparagraph (C).

7           “(C) PRIORITY ORDER.—In awarding  
8           grants under subparagraphs (A) and (B), the  
9           Secretary shall, in the order listed, give priority  
10          to a State that—

11                 “(i) meets all requirements of para-  
12                 graph (2);

13                 “(ii) meets 2 requirements of para-  
14                 graph (2); and

15                 “(iii) meets 1 requirement of para-  
16                 graph (2).

17          “(2) REQUIREMENTS.—The requirements re-  
18          ferred to in paragraph (1)(C) are as follows:

19                 “(A) The State law regarding charter  
20                 schools ensures that each charter school has a  
21                 high degree of autonomy over its budgets and  
22                 expenditures.

23                 “(B) The State law regarding charter  
24                 schools provides that not less than 1 chartering  
25                 authority in the State allows for an increase in

1 the number of charter schools from 1 year to  
2 the next year; and

3 “(C) The State law regarding charter  
4 schools provides for periodic review and evalua-  
5 tion by the authorized public chartering agency  
6 of each charter school to determine whether the  
7 school is meeting or exceeding the academic  
8 performance requirements and goals for charter  
9 schools as set forth under State law or the  
10 school’s charter.

11 **“SEC. 10303. APPLICATIONS.**

12 “(a) APPLICATIONS FROM STATE AGENCIES.—Each  
13 State educational agency desiring a grant from the Sec-  
14 retary under this part shall submit to the Secretary an  
15 application at such time, in such manner, and containing  
16 or accompanied by such information as the Secretary may  
17 require.

18 “(b) CONTENTS OF A STATE EDUCATIONAL AGENCY  
19 APPLICATION.—Each application submitted pursuant to  
20 subsection (a) shall—

21 “(1) describe the objectives of the State edu-  
22 cational agency’s charter school grant program and  
23 a description of how such objectives will be fulfilled,  
24 including steps taken by the State educational agen-  
25 cy to inform teachers, parents, and communities of



1 the State educational agency's charter school grant  
2 program;

3 “(2) describe how the State educational agency  
4 will inform each charter school of available Federal  
5 programs and funds that each such school is eligible  
6 to receive and ensure that each such school receives  
7 its appropriate share of Federal education funds al-  
8 located by formula; and

9 “(3) contain assurances that the State edu-  
10 cational agency will require each eligible applicant  
11 desiring to receive a subgrant to submit an applica-  
12 tion to the State educational agency containing—

13 “(A) a description of the educational pro-  
14 gram to be implemented by the proposed char-  
15 ter school, including—

16 “(i) how the program will enable all  
17 students to meet challenging State student  
18 performance standards;

19 “(ii) the grade levels or ages of chil-  
20 dren to be served; and

21 “(iii) the curriculum and instructional  
22 practices to be used;

23 “(B) a description of how the charter  
24 school will be managed;

25 “(C) a description of—

1                   “(i) the objectives of the charter  
2                   school; and

3                   “(ii) the methods by which the charter  
4                   school will determine its progress toward  
5                   achieving those objectives;

6                   “(D) a description of the administrative re-  
7                   lationship between the charter school and the  
8                   authorized public chartering agency;

9                   “(E) a description of how parents and  
10                  other members of the community will be in-  
11                  volved in the design and implementation of the  
12                  charter school;

13                  “(F) a description of how the authorized  
14                  public chartering agency will provide for contin-  
15                  ued operation of the school once the Federal  
16                  grant has expired, if such agency determines  
17                  that the school has met the objectives described  
18                  in subparagraph (C)(i);

19                  “(G) a request and justification for waivers  
20                  of any Federal statutory or regulatory provi-  
21                  sions that the applicant believes are necessary  
22                  for the successful operation of the charter  
23                  school, and a description of any State or local  
24                  rules, generally applicable to public schools,

1 that will be waived for, or otherwise not apply  
2 to, the school;

3 “(H) a description of how the subgrant  
4 funds or grant funds, as appropriate, will be  
5 used, including a description of how such funds  
6 will be used in conjunction with other Federal  
7 programs administered by the Secretary;

8 “(I) a description of how students in the  
9 community will be—

10 “(i) informed about the charter  
11 school; and

12 “(ii) given an equal opportunity to at-  
13 tend the charter school;

14 “(J) an assurance that the eligible appli-  
15 cant will annually provide the Secretary and the  
16 State educational agency such information as  
17 may be required to determine if the charter  
18 school is making satisfactory progress toward  
19 achieving the objectives described in subpara-  
20 graph (C)(i);

21 “(K) an assurance that the applicant will  
22 cooperate with the Secretary and the State edu-  
23 cational agency in evaluating the program as-  
24 sisted under this part; and

1           “(L) such other information and assur-  
2           ances as the Secretary and the State edu-  
3           cational agency may require.

4           “(c) CONTENTS OF ELIGIBLE APPLICANT APPLICA-  
5   TION.—Each eligible applicant desiring a grant pursuant  
6   to section 10302 shall submit an application to the State  
7   educational agency or Secretary, respectively, at such  
8   time, in such manner, and accompanied by such informa-  
9   tion as the State educational agency or Secretary, respec-  
10   tively, may reasonably require.

11          “(d) CONTENTS OF APPLICATION.—Each application  
12   submitted pursuant to subsection (c) shall contain—

13           “(1) the information and assurances described  
14   in subparagraphs (A) through (L) of subsection  
15   (b)(4), except that for purposes of this subsection  
16   subparagraphs (J), (K), and (L) of such subsection  
17   shall be applied by striking “and the State edu-  
18   cational agency” each place such term appears; and

19           “(2) assurances that the State educational  
20   agency—

21           “(A) will grant, or will obtain, waivers of  
22   State statutory or regulatory requirements; and

23           “(B) will assist each subgrantee in the  
24   State in receiving a waiver under section  
25   10304(e).

1   **“SEC. 10304. ADMINISTRATION.**

2       “(a) SELECTION CRITERIA FOR STATE EDU-  
3   CATIONAL AGENCIES.—The Secretary shall award grants  
4   to State educational agencies under this part on the basis  
5   of the quality of the applications submitted under section  
6   10303(b), after taking into consideration such factors  
7   as—

8           “(1) the contribution that the charter schools  
9       grant program will make to assisting educationally  
10      disadvantaged and other students to achieving State  
11      content standards and State student performance  
12      standards and, in general, a State’s education im-  
13      provement plan;

14          “(2) the degree of flexibility afforded by the  
15      State educational agency to charter schools under  
16      the State’s charter schools law;

17          “(3) the ambitiousness of the objectives for the  
18      State charter school grant program;

19          “(4) the quality of the strategy for assessing  
20      achievement of those objectives;

21          “(5) the likelihood that the charter school grant  
22      program will meet those objectives and improve edu-  
23      cational results for students; and

24          “(6) the number of charter schools created  
25      under this part in the State.

1       “(b) SELECTION CRITERIA FOR ELIGIBLE APPLI-  
2 CANTS.—The Secretary shall award grants to eligible ap-  
3 plicants under this part on the basis of the quality of the  
4 applications submitted under section 10303(c), after tak-  
5 ing into consideration such factors as—

6           (1) the quality of the proposed curriculum and  
7 instructional practices;

8           “(2) the degree of flexibility afforded by the  
9 State educational agency and, if applicable, the local  
10 educational agency to the charter school;

11          “(3) the extent of community support for the  
12 application;

13          “(4) the ambitiousness of the objectives for the  
14 charter school;

15          “(5) the quality of the strategy for assessing  
16 achievement of those objectives; and

17          “(6) the likelihood that the charter school will  
18 meet those objectives and improve educational re-  
19 sults for students.

20       “(c) PEER REVIEW.—The Secretary, and each State  
21 educational agency receiving a grant under this part, shall  
22 use a peer review process to review applications for assist-  
23 ance under this part.

24       “(d) DIVERSITY OF PROJECTS.—The Secretary and  
25 each State educational agency receiving a grant under this

1 part, shall award subgrants under this part in a manner  
2 that, to the extent possible, ensures that such grants and  
3 subgrants—

4 “(1) are distributed throughout different areas  
5 of the Nation and each State, including urban and  
6 rural areas; and

7 “(2) will assist charter schools representing a  
8 variety of educational approaches, such as ap-  
9 proaches designed to reduce school size.

10 “(e) WAIVERS.—The Secretary may waive any statu-  
11 tory or regulatory requirement over which the Secretary  
12 exercises administrative authority except any such require-  
13 ment relating to the elements of a charter school described  
14 in section 10309(1), if—

15 “(1) the waiver is requested in an approved ap-  
16 plication under this part; and

17 “(2) the Secretary determines that granting  
18 such a waiver will promote the purpose of this part.

19 “(f) USE OF FUNDS.—

20 “(1) STATE EDUCATIONAL AGENCIES.—Each  
21 State educational agency receiving a grant under  
22 this part shall use such grant funds to award sub-  
23 grants to one or more eligible applicants in the State  
24 to enable such applicant to plan and implement a  
25 charter school in accordance with this part.

1           “(2) ELIGIBLE APPLICANTS.—Each eligible ap-  
2           plicant receiving funds from the Secretary or a State  
3           educational agency shall use such funds to plan and  
4           implement a charter school in accordance with this  
5           part.

6           “(3) ALLOWABLE ACTIVITIES FOR BASIC  
7           GRANTS.—An eligible applicant receiving a basic  
8           grant or subgrant under section 10302(c)(2) may  
9           use the grant or subgrant funds only for—

10           “(A) post-award planning and design of  
11           the educational program, which may include—

12                   “(i) refinement of the desired edu-  
13                   cational results and of the methods for  
14                   measuring progress toward achieving those  
15                   results; and

16                   “(ii) professional development of  
17                   teachers and other staff who will work in  
18                   the charter school; and

19           “(B) initial implementation of the charter  
20           school, which may include—

21                   “(i) informing the community about  
22                   the school;

23                   “(ii) acquiring necessary equipment  
24                   and educational materials and supplies;



1                   “(iii) acquiring or developing curricu-  
2                   lum materials; and

3                   “(iv) other initial operational costs  
4                   that cannot be met from State or local  
5                   sources.

6                   “(4) ADMINISTRATIVE EXPENSES.—Each State  
7                   educational agency receiving a grant pursuant to  
8                   this part may reserve not more than 5 percent of  
9                   such grant funds for administrative expenses associ-  
10                  ated with the charter school grant program assisted  
11                  under this part.

12   **“SEC. 10305. NATIONAL ACTIVITIES.**

13                  “The Secretary shall reserve for each fiscal year the  
14                  lesser of 5 percent of the amount appropriated to carry  
15                  out this part for the fiscal year or \$5,000,000, to carry  
16                  out, giving highest priority to carrying paragraph (2), the  
17                  following:

18                  “(1) To provide charter schools, either directly  
19                  or through the State educational agency, with infor-  
20                  mation regarding available education funds that  
21                  such school is eligible to receive, and assistance in  
22                  applying for Federal education funds which are allo-  
23                  cated by formula, including filing deadlines and sub-  
24                  mission of applications; and

1           “(2) To provide, through 1 or more contracts  
2           using a competitive bidding process—

3                   “(i) charter schools with assistance in  
4                   accessing private capital;

5                   “(ii) pilot projects in a variety of States to  
6                   better understand and improve access to private  
7                   capital by charter schools; and

8                   “(iii) collection on a nationwide basis, of  
9                   information regarding successful programs that  
10                  access private capital for charter schools and  
11                  disseminate any such relevant information and  
12                  model descriptions to all charter schools.

13                  “(3) To provide for the completion of the 4-year  
14                  national study (which began in 1995) of charter  
15                  schools and any related evaluations or studies.

16                  “(4)(A) To provide information to applicants  
17                  for assistance under this part;

18                  “(B) assistance to applicants for assistance  
19                  under this part with the preparation of applications  
20                  under section 10303;

21                  “(C) assistance in the planning and startup of  
22                  charter schools;

23                  “(D) ongoing training and technical assistance  
24                  to existing charter schools; and

1           “(E) for the dissemination of best practices in  
2           charter schools to other public schools.

3   **“SEC. 10306. PART A, TITLE I ALLOCATION DURING FIRST**  
4                   **YEAR AND FOR SUCCESSIVE ENROLLMENT**  
5                   **EXPANSIONS.**

6           “For purposes of the allocation to schools by the  
7   States or their agencies of funds under part A of title I,  
8   or of any other Federal educational assistance funds, the  
9   Secretary and each State educational agency shall take  
10   such measures not later than 6 months after the date of  
11   the enactment of this part as are necessary to ensure that  
12   every charter school receives the Federal funding for  
13   which it is eligible in the calendar year in which it first  
14   opens, notwithstanding the fact that the identity and char-  
15   acteristics of the students enrolling in that school are not  
16   fully and completely determined until that school actually  
17   opens. These measures shall similarly ensure that every  
18   charter school expanding its enrollment in any subsequent  
19   year of operation receives the Federal funding for which  
20   it is eligible during the calendar year of such expansion.

21   **“SEC. 10307. RECORDS TRANSFER.**

22           “State and local educational agencies, to the extent  
23   practicable, shall ensure that a student’s records and if  
24   applicable a student’s individualized education program as  
25   defined in section 602(11) of the Individuals with Disabil-

ities Education Act (20 U.S.C. 1401(11)), are transferred to the charter school upon transfer of a student to a charter school in accordance with applicable State law.

**“SEC. 10308. PAPERWORK REDUCTION.**

“To the extent practicable, the Secretary and each authorized public chartering agency, shall ensure that implementation of this part results in a minimum of paperwork for any eligible applicant or charter school.

**9 “SEC. 10309. DEFINITIONS.**

“As used in this part:

“(1) The term ‘charter school’ means a public school that—

“(A) in accordance with a specific State charter school statute, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

“(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

“(C) operates in pursuit of a specific set of educational objectives determined by the

1 school's developer and agreed to by the author-  
2 ized public chartering agency;

3 "(D) provides a program of elementary or  
4 secondary education, or both;

5 "(E) is nonsectarian in its programs, ad-  
6 missions policies, employment practices, and all  
7 other operations, and is not affiliated with a  
8 sectarian school or religious institution;

9 "(F) does not charge tuition;

10 "(G) complies with the Age Discrimination  
11 Act of 1975, title VI of the Civil Rights Act of  
12 1964, title IX of the Education Amendments of  
13 1972, section 504 of the Rehabilitation Act of  
14 1973, and part B of the Individuals with Dis-  
15 abilities Education Act;

16 "(H) is a school to which parents choose to  
17 send their children, and that admits students  
18 on the basis of a lottery, if more students apply  
19 for admission than can be accommodated;

20 "(I) agrees to comply with the same Fed-  
21 eral and State audit requirements as do other  
22 elementary and secondary schools in the State,  
23 unless such requirements are specifically waived  
24 for the purpose of this program;

1           “(J) meets all applicable Federal, State,  
2           and local health and safety requirements;

3           “(K) operates in accordance with State  
4           law; and

5           “(L) has a written performance contract  
6           with the authorized public chartering agency in  
7           the State.

8           “(2) The term ‘developer’ means an individual  
9           or group of individuals (including a public or private  
10          nonprofit organization), which may include teachers,  
11          administrators and other school staff, parents, or  
12          other members of the local community in which a  
13          charter school project will be carried out.

14          “(3) The term ‘eligible applicant’ means an au-  
15          thorized public chartering agency participating in a  
16          partnership with a developer to establish a charter  
17          school in accordance with this part.

18          “(4) The term ‘authorized public chartering  
19          agency’ means a State educational agency, local edu-  
20          cational agency, or other public entity that has the  
21          authority pursuant to State law and approved by the  
22          Secretary to authorize or approve a charter school.

23   **“SEC. 10310. AUTHORIZATION OF APPROPRIATIONS.**

24          “For the purpose of carrying out this part, there are  
25          authorized to be appropriated \$100,000,000 for fiscal year

- 1 1998 and such sums as may be necessary for each of the
- 2 four succeeding fiscal years.”.